

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

WELL BUILT REALTY CORPORATION,

CIVIL ACTION NO. 2:22-cv-1265

Plaintiff,

vs.

SUKUP MANUFACTURING COMPANY and
SUKUP STEEL STRUCTURES, LLC,

Defendants.

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA:

Defendants, Sukup Manufacturing Company and Sukup Steel Structures, LLC,
(hereinafter “Sukup”) by and through its attorneys, Rawle & Henderson LLP, respectfully aver
as follows:

1. Plaintiff commenced a civil action against defendants in the Court of Common Pleas of Beaver County, Pennsylvania, with the filing of a Complaint on August 16, 2022.
2. Plaintiff’s most recent Complaint named Sukup Manufacturing Company and Sukup Steel Structures, LLC, as defendants. *See* Exhibit “A” – Plaintiff’s Complaint.
3. Plaintiff, Well Built Realty Corporation, alleges that they sustained injury and property damages, from a fire, which occurred on July 18, 2020 at 360 14th Street in Ambridge, Pennsylvania. *See* Plaintiff’s Complaint ¶¶9, 44-45 and 57-58 attached hereto as Exhibit “A.”

4. Plaintiff also alleges, based on tenant Sukup being the tenant of the property that their actions and omissions may have been negligent in causing said fire. *See* Plaintiff's Complaint ¶¶9-11.

5. Based upon a fair reading of the Complaint, Plaintiff, Well Built Realty Corporation, has set forth a claim in which upon information and belief, states a claim for an amount in excess of the jurisdictional limit of \$75,000.00, exclusive of interest and costs, may be at stake. *See* Plaintiff's Complaint ¶14.

6. Plaintiff, Well Built Realty Corporation, is a corporation of the Commonwealth of Pennsylvania. *See* Plaintiff's Complaint attached hereto as Exhibit "A." ¶1.

7. Defendants, Sukup, is an Iowa corporation, with its principal place of business at 1555 255th Street, Sheffield, IA 50475-0677. *See* Plaintiff's Complaint attached hereto as Exhibit "A." ¶¶2-3.

8. "The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States." 28 USCS § 1332(a)(1).

9. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that defendant is entitled to removal pursuant to 28 U.S.C. §1441, as amended, and 28 U.S.C. §1446.

WHEREFORE, Defendants, Sukup, prays that the above-captioned action now pending in the Court of Common Pleas of Beaver County, Pennsylvania, be removed therefrom to this Honorable Court.

RAWLE & HENDERSON LLP

A handwritten signature in black ink, appearing to read 'Thomas DiStefano', with a long horizontal flourish extending to the right.

By: _____
Thomas DiStefano, Esquire
Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within **NOTICE OF REMOVAL** was forwarded to counsel of record below named on the 2nd day of September, 2022.

VIA EMAIL

Kenneth T. Levine, Esquire
klevine@delucalevine.com
301 E. Germantown Pike, 3rd Floor
East Norriton, PA 19401
Counsel for Plaintiff

RAWLE & HENDERSON LLP

A handwritten signature in black ink, appearing to read 'Th DiStefano', with a long horizontal flourish extending to the right.

By: _____
Thomas DiStefano, Esquire
Attorneys for Defendants